

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARK HAINES,

Plaintiff,

vs.

DARYL B. BRAND, *et al.*,

Defendants.

Case No.: 11-CV-1335 YGR

ORDER SETTING COMPLIANCE HEARING

TO ALL PARTIES AND COUNSEL OF RECORD:

The Court was advised on September 23, 2013, that the plaintiff in this action is now deceased.¹ Accordingly, the Court took the hearing on the motion for summary judgment off calendar.

The Court was prepared to offer the following tentative rulings at the summary judgment hearing:

1. Defendant Daryl Brand is entitled to qualified immunity for her clinical decision to have Plaintiff held for a psychiatric evaluation pursuant to California Welfare and Institutions Code section 5150.

¹ The Court extends condolences to the family.

2. Even if Brand were not entitled to qualified immunity, she had probable cause to have Plaintiff held for evaluation.
3. Plaintiff lacks evidence to assert a claim against Defendant City of Berkeley under 42 U.S.C. section 1983.
4. Plaintiff's motion to reopen discovery on his claim against the City of Berkeley is denied.

A compliance hearing to determine whether this case will proceed shall be held on **Monday, November 4, 2013** on the Court's 2:01 p.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 5.

Five (5) business days prior to the date of the compliance hearing, the plaintiff's representative shall file a Notice of Intent to Proceed. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. If there is no appearance and/or no Notice of Intent to Proceed on file, the Court will deem the action to be abandoned and dismiss it for failure to prosecute.

Telephonic appearances at the compliance hearing will be allowed.

IT IS SO ORDERED.

Dated: September 24, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE